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March 2, 2011

John J. McVeigh, Esq.
Box 128
Butler, Maryland 21023

Re: KRDE(FM), Globe, Arizona
Facility Identification Number: 37577
Linda C. Corso
Special Temporary Authorization

Dear Counsel:

This is in reference to the request filed February 28, 2011, on behalf of Linda C. Corso ("LCC"). LCC requests special temporary authority ("STA") to operate Station KRDE with emergency antenna facilities pursuant to Section 73.1680.¹ In support of the request, LCC provides a detailed narrative of its extensive efforts to maintain operation in the face of multiple antenna system failures and an isolated, mountaintop transmitter site with limited access during winter. LCC states that it has restored operation with an emergency vertically-polarized, nondirectional antenna with reduced effective radiated power of 2.1 kilowatts.

Section 73.1680 of the Commission's rules provides for operation with emergency antenna facilities following damage to authorized antenna systems, provided that an informal request for continued use of an emergency antenna is filed with the Commission within 24 hours.² In particular, Section 73.1680(b)(2)

¹ KRDE is licensed for operation on Channel 231C2 (94.1 MHz) with effective radiated power of 0.64 kilowatts (H&V) and antenna height above average terrain of 1039 meters.

² Counsel states in the request, at para. 25, "...the staff **may require a licensee to request and obtain an STA** for continued operations. To date, the staff has not directed Ms. Corso to seek such an STA" This is an incorrect interpretation of the emergency antenna rule, Section 73.1680, which states, in pertinent part:

"Prior authority from the FCC is not required by licensees and permittees to erect and commence operations using an emergency antenna to restore program service to the public. However, **an informal letter request to continue operation with the emergency antenna must be made within 24 hours** to the FCC in Washington, DC, Attention: Audio Division (radio) or Video Division (television), Media Bureau, within 24 hours after commencement of its use." (emphasis added)

The staff has consistently interpreted the "informal letter request", *which is required in all cases of emergency antenna operation and is not dependent on any direction from the staff*, to be a request for STA, which is feeable for commercial licensees. Section 73.1680 does not provide for notification of emergency antenna operation; rather, licensees are permitted to commence emergency antenna operation without prior authority but must file a request for continued use of the emergency antenna within 24 hours thereafter. This is in contrast to the procedures set forth in Sections 73.1560 and 73.1740, governing reduced-power and reduced-hours operation, which provide for a ten-day notification/30-day STA requirement. There is a fundamental difference between operation with reduced power or reduced hours, neither of which carry any potential for interference to other stations, and operation with an emergency antenna, which does have the potential to cause interference. Consequently, the procedures set forth in the emergency antenna rule are different from those in the other rule sections. In particular, STA should have been requested within 24 hours of January 17, when the licensee first "invoked" the emergency antenna rule.

provides that FM and TV stations may erect any suitable radiator, or use operable sections of the authorized antenna(s) as an emergency antenna. Our review indicates that the proposed STA operation complies with the technical provisions of Section 73.1680.

Accordingly, the request for STA IS HEREBY GRANTED. Station KRDE may continue to operate with emergency antenna facilities as described above. LCC must notify the Commission when licensed operation is restored. LCC must use whatever means are necessary to protect workers and the public from exposure to radio frequency radiation in excess of the Commission's exposure guidelines. See 47 CFR § 1.1310.

This authority expires on **September 2, 2011**.

STA Advisory: Section 309(f) of the Communications Act of 1934, as amended, authorizes the Commission to grant STA in cases of "extraordinary circumstances requiring temporary authorizations in the public interest and when delay in the institution of the temporary operations would seriously prejudice the public interest." However, Section 309(f) is not a means by which a licensee/permittee may circumvent established processing procedures which require the filing of an application, nor is it a means by which a broadcaster may enhance his facility or make operation more convenient for the broadcaster. Stations operating with less than licensed facilities under temporary authorities can be viewed as receiving the benefit of a larger protection area than that in which they are currently providing service.

Accordingly, Special Temporary Authorities by nature are to be temporary and are not intended for extended use. Licensees of stations operating under temporary authorities are reminded that timely restoration of permanent facilities is the responsibility of the licensee and should be undertaken expeditiously. Any request for extension of special temporary authorities carries an increased burden with each subsequent request.

Therefore, requests for extension of STA will be granted only where the licensee can show that one or more of the following criteria have been met:

- Restoration of licensed facilities is complete and testing is underway;
- Substantial progress has been made during the most recent STA period toward restoration of licensed operation; or
- No progress has been made during the most recent STA period for reasons clearly beyond the licensee's control, and the licensee has taken all possible steps to expeditiously resolve the problem.

Sincerely,



Charles N. Miller, Engineer
Audio Division
Media Bureau

cc: Linda C. Corso